

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
GERMAN SALAZAR,)	Case No. 12-13003-BFK
)	Chapter 7
Debtor.)	
_____)	
)	
GERMAN SALAZAR,)	
)	
Plaintiff,)	Adversary Proceeding
v.)	No. 17-01102-BFK
)	
JP MORGAN CHASE BANK, N.A. D/B/A,)	
CHASE HOME FINANCE LLC)	
AND)	
THOMAS P. GORMAN, AS TRUSTEE,)	
)	
Defendants.)	

**ORDER TO SHOW CAUSE
WHY ADVERSARY PROCEEDING
SHOULD NOT BE DISMISSED**

The Debtor in this case filed a Voluntary Petition under Chapter 13 on May 10, 2012. Case No. 12-13003-BFK. The Court confirmed a Chapter 13 Plan on December 12, 2012. *Id.*, Docket No. 33. The Order Confirming the Debtor's Chapter 13 Plan provided:

Any lien avoidance action[](s) contemplated by Section 7(B) of the Plan must be made by the filing of an Adversary Proceeding no later than sixty (60) days from the date of the entry of this Order.

Id., ¶ 6.

The Chapter 13 Trustee filed a Final Report and Account on October 6, 2017. Case No. 12-13003-BFK, Docket No. 60. The Plaintiff filed this adversary proceeding on October 17, 2017 – almost five years after confirmation of the Debtor's Plan.

In the adversary proceeding, the Plaintiff did not serve the Summons when it was issued. On November 6, 2017, the Debtor requested an Alias Summons, which was issued by the Clerk on December 19, 2017. Docket Nos. 5, 6. Bankruptcy Rule 7004(a) incorporates Rule 4(m) of the Federal Rules of Civil Procedure, which requires that service be completed within 90 days after the filing of the complaint, unless the Plaintiff can show good cause for the failure to serve the summons and complaint.

It is therefore **ORDERED**:

1. Plaintiff's counsel shall appear before this Court on **March 20, 2018, at 9:30 a.m.**, to show cause why this adversary proceeding should not be dismissed for: (a) failure to file the adversary proceeding within 60 days of confirmation of the Debtor's Plan, as required by Paragraph 6 of the Order Confirming the Debtor's Plan; and (b) failure to serve the Summons and Complaint within 90 days as required by Bankruptcy Rule 7004(a).
2. The Clerk will mail copies of this Order, or will provide cm-ecf notice of its entry, to the parties below.

Date: Feb 12 2018
Alexandria, Virginia

/s/ Brian F. Kenney
Brian F. Kenney
United States Bankruptcy Judge

Entered on Docket:2/13/18 sas

Copies to:

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Debtor

JP Morgan Chase Bank, N.A. d/b/a Chase
Home Finance
Registered Agent: CT Corporation System
1201 Peachtree Street NE
Atlanta, GA 30361
Defendant

Thomas P. Gorman
Chapter 13 Trustee
300 North Washington Street, Suite 400
Alexandria, VA 22314
Defendant